

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

RICHARD THOMAS KITCHENS, )

Plaintiff )

vs. )

Case No. 7:08-cv-02168-LSC-HGD

RICHARD F. ALLEN, et al., )

Defendants )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on January 13, 2010, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be

GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

Done this 25th day of February 2010.



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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
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